

**REMARKS**

In accordance with the foregoing, claims 1-12 and 14-31 are amended without narrowing the claims within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 USPQ2d 1865 (Fed. Cir. 2000). No new matter is being presented, and approval and entry of the amended claims are respectfully requested.

Claims 1-31 are pending and under consideration.

**ITEM 1: OBJECTION TO CLAIM 14 UNDER 37 CFR 1.75(c)**

The Examiner objects to claim 14 under 37 CFR 1.75(c) contending claim 14:

... as being of improper dependent form for failing to further limit the subject matter of a previous claim. . . A "dream" is nonfunctional descriptive matter.  
See MPEP 2106.IV.B.1(b), first paragraph.

(Action at page 2).

Dependent claim 14, as amended herein, recites a computer system according to claim 1 "wherein said genre is defined for a dream of a client . . . , and wherein, if a client specifies a genre other than those that are prepared in advance at a client registration, said genre specified by the client is added to available choice items for a next registration."

Claim 1 recites a computer system including "means for transmitting, to said terminal of said one client, display information in which client representation information of said one client and client representation information of other clients, who belong to a genre registered by said one client in advance. . . ."

Applicant submits that claim 14 complies with 37 CFR 1.75(c) and is in proper dependent form. As set forth in MPEP 2106.IV.B.1(b):

(n)onfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

As understood in the art a "genre" is a "type or class," and the term --dream-- is understood in the art to include "a deep aspiration." (See, for example, *The American Heritage® Dictionary of the English Language: Fourth Edition*.2000).

The term --dream-- as recited in claim 14 limits the term --genre-- in dependent claim 14 and the statutory process implemented by independent claim 1.

Withdrawal of the objection to dependent claim 14 is requested.

**ITEM 2: REJECTION TO CLAIM 2 UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner rejects claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite. (Action at page 2). The Examiner contends that:

"Votive panel" is indefinite. A "panel" would be understood by one of ordinary skill in the art to be a group (Merriam Webster's Online Dictionary). The specification (para. [0040] of the published application) describes each of the members in Fig. 1 as a "votive panel".

While claim 2 is amended herein to delete the term --votive panel--, Applicants submit that the Examiner is citing the wrong definition for the term --panel-- as the term is used in the context of claim 2, as supported by the description in the specification. As used in claim 2, a "panel" does not refer to a "group," but rather to a "a separate or distinct part of a surface" (Merriam Webster's Online Dictionary) or as understood in the art to "a small temporary window in a graphical user interface that appears in order to request information from the user." (See, HYPERDICTIONARY, at <http://www.hyperdictionary.com/dictionary/panel>)

This understanding is supported by the specification, for example, that discusses:

. . . images of the votive panels 110 to 122 are registered in advance by the respective members, and are reduced in size for the display. (See, page 6, lines 14-16)

and

Fig. 2 is a diagram showing an example of a screen (hereinafter referred to as a votive panel web page) that is displayed if a member who logged in uses a mouse to click on the image of his or her own votive panel 110 for selection. On this screen, a votive panel area 220 is displayed that includes: a comment column 244 including comments concerning the dream, a button 222 for reproducing, if registered, a voice message; and an add button 226 for adding a comment etc. (Emphasis added, page 7 starting at line 17)

Applicant submits that claim 2 complies with 35 U.S.C. 112 and requests withdrawal of the rejection.

**ITEMS 5-6: REJECTION OF INDEPENDENT CLAIM 1 UNDER 35 U.S.C. §102(b) BY HERZ (U.S.P. 5,754,938)**

The Examiner rejects independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Herz. (Action at pages 2-3). The Examiner contends that Herz et al. teaches the features of claim 1 citing:

. . . receiving client (user) identification information from a terminal TrT, of one client (col. 28 line 44 to col. 29 line 12); in response to said receipt of said

client information, transmitting, to said terminal of said one client, display information (hierarchical cluster tree, col. 71 lines 4 and 27-31) wherein each of client specification information (search profile, col. 4 lines 47-66 and col. 74 lines 42-50) respectively specifying a virtual community (col. 72 line 63 to col. 73 line 36), which reads on one client and other clients who belong to a genre registered by said one client in advance, is positioned at a predetermined location (at a certain location of the cluster tree, col. 24 lines 11-27).

(Action at pages 2-3).

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Herz does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

Independent claim 1 recites a computer system including "means for receiving client identification information from a terminal of one client; and means for transmitting, to said terminal of said one client, display information in which client representation information of said one client and client representation information of other clients, who belong to a genre registered by said one client in advance, are positioned at predetermined locations in response to a receipt of said client identification information." (Emphasis added, see for example, FIG. 1 and page 6, lines 11-23).

The client representation information, for example, includes one of votive panels 110 to 122. The votive panels 110 to 122 are used to identify respective members.

While Herz does discuss (col. 4, lines 47-60) a search profile, the search profile does not teach "client representation information" as the Examiner contends. Rather, Herz teaches that a "search profile is a profile consisting of a collection of attributes, such that a user likes target objects whose profiles are similar to this collection of attributes, is termed a "search profile" or in some a "query" or "query profile."

That is, Herz does not teach representation of a client but rather a collection of attributes.

Herz does teach (col. 24, lines 12-18) a hierarchical clustering that: produces a tree which divides the target objects . . . until the collection of target objects has been entirely divided into "clusters" consisting of a single object each. Herz teaches (col. 4, lines 47-50) an object available for access by the user, which may be either physical or electronic in nature, is termed a "target object" Herz teaches (col. 6, lines 5-11) examples of such target objects as (col. 6, lines 5-11) as published articles, purchasable items, or even other people, and their properties.

However, Herz does not teach that "display information in which client representation

information of said one client and client representation information of other clients. . .are positioned at predetermined locations in response to a receipt of said client identification information," as the Examiner contends.

Thus, according to aspects of the present invention, display information including the client representation information for one client who requested to display the display information is transmitted to a terminal of a client. Such a display of a relationship between that one client and other clients is necessary to encourage communication.

Applicants submit that Herz teaches a target object as information other than information of relating the user who requested the creation of the hierarchical cluster tree, and the hierarchical cluster tree does not include any node representing the user who requested the creation of the hierarchical cluster tree.

The Examiner also contends that the virtual community discussed by Herz teaches that one client and other clients who belong to a genre are registered by one client in advance. However, Herz does not teach, in the lines cited as the Examiner, or anywhere else, that members in the virtual community are displayed "at a certain location of the cluster tree." Rather, Herz teaches (col. 24, lines 11-27) that "target objects" are displayed.

In addition, Applicants respectfully submit that, the Examiner's contentions are inconsistent. The Examiner is contending that a search profile must be included in the hierarchical cluster tree since the client representation information is included in the display information. However, this is not taught by Herz, but rather, as discussed above, Herz teaches that the target objects are on the hierarchical cluster tree.

## **CONCLUSION**

Since features of independent claims 1 are not taught by the cited art, the rejection should be withdrawn and claim 1 allowed.

## **ITEMS 5-6: REJECTION OF INDEPENDENT CLAIMS 15, 22, AND 30 UNDER 35 U.S.C. §102(b) BY HERZ**

The Examiner rejects independent claims 15 and 22 under 35 U.S.C. §102(b) as being anticipated by Herz. (Action at pages 2-3).

Independent claim 15 recites a computer-readable storage storing a program for controlling a computer to provide information, and independent claim 22 recites a method "receiving client identification information from a terminal of one client; and in response to receipt of said client identification information, transmitting to said terminal of said one client, display information in which client representation information regarding said one client and client

representation information regarding other clients who belong to a genre registered by said one client in advance are positioned at predetermined locations."

Independent claim 30 recites an information acquisition method including "transmitting client identification information to an information providing server; receiving from said information providing server, display information in which client representation information regarding said one client and client representation information regarding other clients who belong to a genre registered by said one client in advance are positioned at predetermined locations; and displaying said display information on a display device."

As discussed above, Herz does not teach features recited by independent claims 15, 22, and 30 including "display information in which client representation information regarding said one client and client information regarding other clients who belong to a genre registered by said one client in advance are positioned at predetermined locations."

## **CONCLUSION**

Since features of independent claims 15, 22, and 30 are not taught by the cited art, the rejection should be withdrawn and claims 15, 22, and 30 allowed.

### **ITEMS 7-8: REJECTION OF DEPENDENT CLAIMS 2-14, 16-21, 23-29, and 31 UNDER 35 U.S.C. §102(b) BY HERZ**

The Examiner rejects dependent claims 2-14, 16-21, 23-29, and 31 under 35 U.S.C. §102(b) as being anticipated by Herz. (Action at page 3).

Applicants submit that dependent claims recite patentably distinguishing features of their own. For example, dependent claim 6 recites means for "registering a comment for a client, said comment received from a different client, and wherein said means for reading out includes the registered comment from said different client into said second display information for said second client." Claim 11 recites "means for transmitting display information changes said location of said client representation information at a predetermined time interval, and transmits the changed display information upon receipt of a request from said terminal of said one client."

The Examiner contends Herz teaches the features of claim 6 citing Herz teaching of "multicasting a new target object." Applicants submit, however, that the term --multicasting-- is usually defined in the art as a simultaneously transmitting to a plurality of persons. Claim 6 recites "registering a comment for a client."

In rejecting claim 11, the Examiner contends that a predetermined time interval is "whenever the user decides to resubmit the search profile to update the virtual community." However, Herz does not teach, in the lines cited or anywhere else, that a virtual community is

defined and updated by a search profile, as the Examiner contends. Thus, Herz does not teach a user deciding to resubmit a search profile, let alone at a predetermined time interval.

**CONCLUSION**

Since features recited in the dependent claims are not taught by Herz, the rejections should be withdrawn and the dependent claims 2-14, 16-21, 23-29, and 31 allowed.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Paul W. Bobowiec  
Paul W. Bobowiec  
Registration No. 47,431

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501